

AUG 12 1975

CERTIFICATE NO. 65272

Permit No. 40065

WATER RESOURCES DEPT. SALEM, OREGON

\*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

I, We, Richard Brock, Ralph Swinehart, and John Tye (Name of applicant)

of Enterprise, (Mailing address) 97828

State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Murray Creek (Name of stream)

a tributary of Wallowa River

2. The amount of water which the applicant intends to apply to beneficial use is 3.0 cubic feet per second. (If water is to be used from more than one source, give quantity from each)

\*\*3. The use to which the water is to be applied is Irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 300 ft. N and 1600 ft. W from the SE corner of Section 17 (Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the SW 1/4 of SE 1/4 of Sec. 17, Tp. 2S (Give smallest legal subdivision) (N. or S.)

R. 44E, W. M., in the county of Wallowa (E. or W.)

5. The Diversion Ditch to be Approx. 500 (Main ditch, canal or pipe line) (Miles or feet) in length, terminating in the SW 1/4 of SE 1/4 of Sec. 17, Tp. 2S (Smallest legal subdivision) (N. or S.)

R. 44E, W. M., the proposed location being shown throughout on the accompanying map. (E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction (Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate Timber Flume to divert water from Murray Creek channel to Silver Creek Ditch Channel (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description (Size and type of pump) (Size and type of engine or motor to be used, total head water is to be lifted, etc.)

\*A different form of application is provided where storage works are contemplated. \*\*Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon. 3-53-4M

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, ..... ft.; size at intake, ..... in.; size at ..... ft. from intake ..... in.; size at place of use ..... in.; difference in elevation between intake and place of use, ..... ft. Is grade uniform? ..... Estimated capacity, ..... sec. ft.

8. Location of area to be irrigated, or place of use .....

Township North or South	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
2S	44E	16	E 1/2 of NW 1/4	73
2S	44E	16	E 3/4 of SW 1/4 of NW 1/4	29
2S	44E	16	E 1/2 of NW 1/4 of SW 1/4	20
2S	44E	17	S 1/2 of NE 1/4 of NE 1/4	18
				140 <sup>e</sup>

(If more space required, attach separate sheet)

(a) Character of soil rocky silt loam

(b) Kind of crops raised hay and pasture

Power or Mining Purposes—

9. (a) Total amount of power to be developed ..... theoretical horsepower.

(b) Quantity of water to be used for power ..... sec. ft.

(c) Total fall to be utilized ..... feet.  
(Head)

(d) The nature of the works by means of which the power is to be developed .....

(e) Such works to be located in ..... of Sec. ....  
(Legal subdivision)

Tp. ...., R. ...., W. M.  
(No. N. or S.) (No. E. or W.)

(f) Is water to be returned to any stream? .....  
(Yes or No)

(g) If so, name stream and locate point of return .....

....., Sec. ...., Tp. ...., R. ...., W. M.  
(No. N. or S.) (No. E. or W.)

(h) The use to which power is to be applied is .....

(i) The nature of the mines to be served .....

10. (a) To supply the city of .....

..... County, having a present population of .....

(Name of)

and an estimated population of ..... in 19.....

(b) If for domestic use state number of families to be supplied .....

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$.....

12. Construction work will begin on or before .....

13. Construction work will be completed on or before .....

14. The water will be completely applied to the proposed use on or before ..... See remarks.

*Ralph W. Syme*  
Ralph W. Syme (Signature of applicant)  
*John R. Tye*  
John R. Tye

Remarks: This diversion from Murray Creek will be discharged into the existing Silver Creek Ditches serving the above described tracts. All headgates and ditches are existing as the water from Murray Creek has been used on these tracts for many years. Appropriations applied for will be supplemental to waters from Silver Creek Ditch.

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for .....

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before ....., 19.....

WITNESS my hand this ..... day of ....., 19.....

STATE ENGINEER

PERMIT

STATE OF OREGON, }  
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 3.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Murray Creek

The use to which this water is to be applied is supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/40th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation herein,

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is August 12, 1975

Actual construction work shall begin on or before April 16, 1977 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1977.

Complete application of the water to the proposed use shall be made on or before October 1, 1978.

WITNESS my hand this 16th day of April 1976.

*James C. Sisson*  
WATER RESOURCES DIRECTOR

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Application No. 53529  
Permit No. 40065

PERMIT  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE  
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 12th day of August 1975, at 11:15 o'clock P. M.

Returned to applicant:

Approved:

Recorded in book No. 40065 of Permits on page

STATE ENGINEER

Drainage Basin 8, page 38E

State Printing 56240

Fees \$ 63.00